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March 3, 2023

**Via ECF:**

The Honorable Katherine Polk Failla, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Re: *Aliyeva v. Diamond Braces et al*  
Case No. 22-cv-04575

Dear Judge Failla:

This firm represents Plaintiffs in the above-referenced matter. We write to request a three (3) day extension of time to comply with the Court's request for a joint letter regarding, (i) Opt-in Plaintiffs Michelle Isayeva, Kaholy Fernandez's ("Opt-in Plaintiffs") request for leave to amend the complaint, and (ii) Opt-in Plaintiffs' request for leave to move to enforce the class settlement.

Plaintiffs' requested extension would move the time to file this joint letter from March 3, 2023 to March 8, 2023. The requested extension is appropriate as Plaintiffs just received today Defendants' proposed additions to the joint letter, which Plaintiffs' counsel circulated on March 1, 2023. Defendants' proposed additions raise issues that go far beyond the requested briefing from the Court. These issues include: a request that Plaintiffs' counsel be sanctioned and a request that Plaintiff's counsel be disqualified from representing Opt-in Plaintiffs. As these issues were not anticipated or addressed by Plaintiffs in their portion of the letter, rather than demand their exclusion, Plaintiffs merely seek time to properly address Defendants' position.

Defendants do not consent to this requested extension.

We thank Your Honor for considering our request.

Respectfully submitted,

/s/ C.K. Lee  
C.K. Lee, Esq.

The Court is in receipt of Plaintiff's above letter requesting an extension of time to file the Court-ordered joint letter (Dkt. #37), as well as a letter from Defendants arguing (i) that this case is moot because Plaintiff accepted Defendants' Rule 68 offer; (ii) that in the event the case is not moot, the Rule 68 offer should be vacated due to alleged deceitful conduct by Plaintiff's counsel; and (iii) that Plaintiff's counsel should be disqualified for allegedly violating several rules of professional conduct (Dkt. #38). Admittedly, this response from Defendants was not what the Court originally contemplated in the joint letter. Still, because Defendants have raised concerns going to the heart of this case, Plaintiff is directed to submit a letter of equivalent length responding to Defendants' letter by **March 8, 2023**. The Court will then determine the proper way for this case to move forward. In the meantime, the parties' deadline for submitting a proposed briefing schedule on the motion to enforce the class settlement is stayed pending further order of the Court.

The Clerk of Court is directed to terminate the pending motion at docket entry 37.

Dated: March 3, 2023  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE